IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

and
HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 647 of 2005

AND

W.P.NO. 28262 OF 1995.

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W.A.NO. 647 OF 2005:

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/11/2004 in WP NO : 28262 OF 1995 on the file of the High Court.)

Between:

1 D. Eswarappa S/o Veerappa,
R/o Kalabgur, Sangareddy (M), Medak District
2 D. Parvathamma W/o Eshwarappa,
R/o Kalabgur, Sangareddy (M), Medak District
3 D. Veerappa, died per LR,
R/o Kalabgur, Sangareddy (M), Medak District
4 D. Eswaramma (died) per LR,
R/o Kalabgur, Sangareddy (M), Medak District
5 D. Nagamma W/o Veerappa,
R/o Kalabgur, Sangareddy (M), Medak District
6 D. Chandrakala D/o Eswarappa,
R/o Kalabgur, Sangareddy (M), Medak District
7 D. Suryakala D/o Eswarappa,
R/o Kalabgur, Sangareddy (M), Medak District
8 D. Arunajyothi D/o Eswarappa,
R/o Kalabgur, Sangareddy (M), Medak District

..... APPELLANTS

AND

1 Special Cadre Dy. Registrar, Medak District Cooperative Central Bank,
Hd. Qrs., Sangareddy, Medak District
2 Medak District Coop. Central Bank, Sangareddy Branch, rep by Manager.
3 Primary Agrl. Cooperative Society, Kalbagur Sagareddy(M), Medak District, rep by
Paid Secretary.
4 K. Nagappa S/o Sangappa, Secretary, Primary Agricultural Cooperative Society,
Kalabgur, Sangareddy (M), Medak District

.....RESPONDENTS

Counsel for the Appellants : MR.B.MAHENDER REDDY

Counsel for the respondent Nos. 1 to 3: MR. P.M. GOPALA RAO.

Counsel for the Respondent No.4: MR.NANDIGAM KRISHNA RAO.

W.P.NO. 28262 OF 1995.

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Between:

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R/o Kalabgur, Sangareddy (M), Medak District
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R/o Kalabgur, Sangareddy (M), Medak District
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R/o Kalabgur, Sangareddy (M), Medak District

8 D. Arunajyothi D/o Eswarappa,
R/o Kalabgur, Sangareddy (M), Medak District

..... PETITIONERS

AND

1 Special Cadre Dy. Registrar, Medak District Cooperative Central Bank,
Hd. Qrs., Sangareddy, Medak District
2 Medak District Coop. Central Bank, Sangareddy Branch, rep by Manager.
3 Primary Agrl. Cooperative Society, Kalbagur Sagareddy(M), Medak District, rep by
Paid Secretary.
4 K. Nagappa S/o Sangappa, Secretary, Primary Agricultural Cooperative Society,
Kalabgur, Sangareddy (M), Medak District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction, one in the nature of writ of Mandamus, (i) declaring the impugned proceedings in Case No. Nil, dated 15.05.1995 (Annexures P1-P7) issued under Section 71 of Act 7/1961 and consequent demand notices (Annexures P8-P11) of the respondent No.1 as illegal and liable to be quashed; (ii) further declaring the harassment of the respondents caused to the petitioners as arbitrary, illegal and violative of fundamental rights; (iii) costs be awarded to the petitioners.

Counsel for the Petitioners : MR.B.MAHENDER REDDY

Counsel for the respondent Nos. 1 to 3: MR. P.M. GOPALA RAO.

Counsel for the Respondent No.4 : MR.NANDIGAM KRISHNA RAO.

The Court made the following :

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ORAL JUDGMENT:

(per Hon'ble The Acting Chief Justice)

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1. Demand notices and Recovery Certificates issued under Section 71 of A.P. Cooperative Societies Act were challenged in the writ petition which gave rise to this writ appeal.

2. The learned counsel for respondent Nos.1 to 3 submits that the writ petition as well as writ appeal have become infructuous in view of the fact that the parties subsequently entered into one time settlement and some amounts have already been paid by the writ petitioners and for the remaining amount, fresh notices have been issued in terms of the one time settlement scheme. He further submits that since there has been a settlement between the parties, they would not proceed against the writ petitioners in terms of the impugned certificates in the writ petition.

3. In view of this background, the writ petition as well as the writ appeal have become infructuous and are dismissed. No costs.

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BILAL NAZKI. ACJ.,

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G. CHANDRAIAH. J.,

Dated: 06.06.2005.

VRK.

To

1 The Special Cadre Dy. Registrar, Medak District Cooperative Central Bank,
Hd. Qrs., Sangareddy, Medak District
2 The Manager, Medak District Coop. Central Bank, Sangareddy Branch, Medak District.
3 The Paid Secretary, Primary Agrl. Cooperative Society, Kalbagur, Sagareddy(M), Medak District.

4. Two CD copies.

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HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE

G. CHANDRAIAH.

W.A.NO. 647 OF 2005.

AND

W.P.NO. 28262 OF 1995.

(Judgment of the Bench delivered by

Hon'ble The Acting Chief Justice)

Dt: 06.06.2005.